

ESHB 2384 - S AMD 803

By Senator Liiias

ADOPTED AS AMENDED 02/29/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63
4 RCW to read as follows:

5 The definitions in this section apply throughout this section and
6 sections 2 through 6 of this act unless the context clearly requires
7 otherwise.

8 (1) "Automated traffic safety camera" means a device that uses a
9 vehicle sensor installed to work in conjunction with an intersection
10 traffic control system, a railroad grade crossing control system, or
11 a speed measuring device, and a camera synchronized to automatically
12 record one or more sequenced photographs, microphotographs, or
13 electronic images of the front or rear of a motor vehicle at the time
14 the vehicle fails to stop when facing a steady red traffic control
15 signal or an activated railroad grade crossing control signal, or
16 exceeds a speed limit as detected by a speed measuring device.
17 "Automated traffic safety camera" also includes a device used to
18 detect stopping at intersection or crosswalk violations; stopping
19 when traffic obstructed violations; public transportation only lane
20 violations; stopping or traveling in restricted lane violations; and
21 public transportation bus stop zone violations detected by a public
22 transportation vehicle-mounted system.

23 (2) "Hospital speed zone" means the marked area within hospital
24 property and extending 300 feet from the border of the hospital
25 property (a) consistent with hospital use; and (b) where signs are
26 posted to indicate the location is within a hospital speed zone,
27 where "hospital" has the same meaning as in RCW 70.41.020.

28 (3) "Public park speed zone" means the marked area within public
29 park property and extending 300 feet from the border of the public
30 park property (a) consistent with active park use; and (b) where
31 signs are posted to indicate the location is within a public park
32 speed zone.

1 (4) "Public transportation vehicle" means any motor vehicle,
2 streetcar, train, trolley vehicle, ferry boat, or any other device,
3 vessel, or vehicle that is owned or operated by a transit authority
4 or an entity providing service on behalf of a transit authority that
5 is used for the purpose of carrying passengers and that operates on
6 established routes. "Transit authority" has the same meaning as
7 provided in RCW 9.91.025.

8 (5) "Roadway work zone" means an area of any city roadway,
9 including state highways that are also classified as city streets
10 under chapter 47.24 RCW, or county road as defined in RCW 46.04.150,
11 with construction, maintenance, or utility work with a duration of 30
12 calendar days or more. A roadway work zone is identified by the
13 placement of temporary traffic control devices that may include
14 signs, channelizing devices, barriers, pavement markings, and/or work
15 vehicles with warning lights. A roadway work zone extends from the
16 first warning sign or high intensity rotating, flashing, oscillating,
17 or strobe lights on a vehicle to the end road work sign or the last
18 temporary traffic control device or vehicle.

19 (6) "School speed zone" has the same meaning as described in RCW
20 46.61.440 (1) and (2).

21 (7) "School walk zone" means a roadway identified under RCW
22 28A.160.160 or roadways within a one-mile radius of a school that
23 students use to travel to school by foot, bicycle, or other means of
24 active transportation.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63
26 RCW to read as follows:

27 (1) Nothing in this section prohibits a law enforcement officer
28 from issuing a notice of traffic infraction to a person in control of
29 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
30 (b), or (c).

31 (2) Any city or county may authorize the use of automated traffic
32 safety cameras and must adopt an ordinance authorizing such use
33 through its local legislative authority.

34 (3) The local legislative authority must prepare an analysis of
35 the locations within the jurisdiction where automated traffic safety
36 cameras are proposed to be located before adding traffic safety
37 cameras to a new location or relocating any existing camera to a new
38 location within the jurisdiction. The analysis must include equity
39 considerations including the impact of the camera placement on

1 livability, accessibility, economics, education, and environmental
2 health when identifying where to locate an automated traffic safety
3 camera. The analysis must also show a demonstrated need for traffic
4 cameras based on one or more of the following in the vicinity of the
5 proposed camera location: Travel by vulnerable road users, evidence
6 of vehicles speeding, rates of collision, reports showing near
7 collisions, and anticipated or actual ineffectiveness or
8 infeasibility of other mitigation measures.

9 (4) Automated traffic safety cameras may not be used on an on-
10 ramp to a limited access facility as defined in RCW 47.52.010.

11 (5) A city may use automated traffic safety cameras to enforce
12 traffic ordinances in this section on state highways that are also
13 classified as city streets under chapter 47.24 RCW. A city government
14 must notify the department of transportation when it installs an
15 automated traffic safety camera to enforce traffic ordinances as
16 authorized in this subsection.

17 (6) (a) At a minimum, a local ordinance adopted pursuant to this
18 section must contain the restrictions described in this section and
19 provisions for public notice and signage. Cities and counties must
20 also post such restrictions and other automated traffic safety camera
21 policies on the city's or county's website. Cities and counties using
22 automated traffic safety cameras before July 24, 2005, are subject to
23 the restrictions described in this section, but are not required to
24 adopt an authorizing ordinance.

25 (b) (i) Cities and counties using automated traffic safety cameras
26 must post an annual report on the city's or county's website of the
27 number of traffic crashes that occurred at each location where an
28 automated traffic safety camera is located, as well as the number of
29 notices of infraction issued for each camera. Beginning January 1,
30 2026, the annual report must include the percentage of revenues
31 received from fines issued from automated traffic safety camera
32 infractions that were used to pay for the costs of the automated
33 traffic safety camera program and must describe the uses of revenues
34 that exceeded the costs of operation and administration of the
35 automated traffic safety camera program by the city or county.

36 (ii) The Washington traffic safety commission must provide an
37 annual report to the transportation committees of the legislature,
38 and post the report to its website for public access, beginning July
39 1, 2026, that includes aggregated information on the use of automated
40 traffic safety cameras in the state that includes an assessment of

1 the impact of their use, information required in city and county
2 annual reports under (b)(i) of this subsection, and information on
3 the number of automated traffic safety cameras in use by type and
4 location, with an analysis of camera placement in the context of area
5 demographics and household incomes. Cities and counties using
6 automated traffic safety cameras must provide the commission with the
7 data it requests for the report required under this subsection in a
8 form and manner specified by the commission.

9 (7) All locations where an automated traffic safety camera is
10 used on roadways or intersections must be clearly marked by placing
11 signs at least 30 days prior to activation of the camera in locations
12 that clearly indicate to a driver either that: (a) The driver is
13 within an area where automated traffic safety cameras are authorized;
14 or (b) the driver is entering an area where violations are enforced
15 by an automated traffic safety camera. The signs must be readily
16 visible to a driver approaching an automated traffic safety camera.
17 Signs placed in automated traffic safety camera locations after June
18 7, 2012, must follow the specifications and guidelines under the
19 manual of uniform traffic control devices for streets and highways as
20 adopted by the department of transportation under chapter 47.36 RCW.
21 All public transportation vehicles utilizing a vehicle-mounted system
22 must post a sign on the rear of the vehicle indicating to drivers
23 that the vehicle is equipped with an automated traffic safety camera
24 to enforce bus stop zone violations.

25 (8) Automated traffic safety cameras may only record images of
26 the vehicle and vehicle license plate and only while an infraction is
27 occurring. The image must not reveal the face of the driver or of
28 passengers in the vehicle. The primary purpose of camera placement is
29 to record images of the vehicle and vehicle license plate when an
30 infraction is occurring. Cities and counties must consider installing
31 automated traffic safety cameras in a manner that minimizes the
32 impact of camera flash on drivers.

33 (9) A notice of infraction must be mailed to the registered owner
34 of the vehicle within 14 days of the violation, or to the renter of a
35 vehicle within 14 days of establishing the renter's name and address
36 under subsection (17) of this section. The notice of infraction must
37 include with it a certificate or facsimile thereof, based upon
38 inspection of photographs, microphotographs, or electronic images
39 produced by an automated traffic safety camera, stating the facts
40 supporting the notice of infraction. This certificate or facsimile is

1 prima facie evidence of the facts contained in it and is admissible
2 in a proceeding charging a violation under this chapter. The
3 photographs, microphotographs, or electronic images evidencing the
4 violation must be available for inspection and admission into
5 evidence in a proceeding to adjudicate the liability for the
6 infraction. A person receiving a notice of infraction based on
7 evidence detected by an automated traffic safety camera may respond
8 to the notice by mail.

9 (10) The registered owner of a vehicle is responsible for an
10 infraction under RCW 46.63.030(1)(d) unless the registered owner
11 overcomes the presumption in RCW 46.63.075, or, in the case of a
12 rental car business, satisfies the conditions under subsection (17)
13 of this section. If appropriate under the circumstances, a renter
14 identified under subsection (17)(a) of this section is responsible
15 for an infraction.

16 (11) Notwithstanding any other provision of law, all photographs,
17 microphotographs, or electronic images, or any other personally
18 identifying data prepared under this section are for the exclusive
19 use of authorized city or county employees, as specified in RCW
20 46.63.030(1)(d), in the discharge of duties under this section and
21 are not open to the public and may not be used in a court in a
22 pending action or proceeding unless the action or proceeding relates
23 to a violation under this section. No photograph, microphotograph, or
24 electronic image, or any other personally identifying data may be
25 used for any purpose other than enforcement of violations under this
26 section nor retained longer than necessary to enforce this section.
27 Transit authorities must provide to the appropriate local
28 jurisdiction that has authorized traffic safety camera use under
29 section 6(2) of this act any images or evidence collected
30 establishing that a violation of stopping, standing, or parking in a
31 bus stop zone has occurred for infraction processing purposes
32 consistent with this section.

33 (12) If a county or city has established an automated traffic
34 safety camera program as authorized under this section, the
35 compensation paid to the manufacturer or vendor of the equipment used
36 must be based only upon the value of the equipment and services
37 provided or rendered in support of the system and may not be based
38 upon a portion of the fine or civil penalty imposed or the revenue
39 generated by the equipment. If the contract between the city or
40 county and manufacturer or vendor of the equipment does not provide

1 for performance or quality control measures regarding camera images,
2 the city or county must perform a performance audit of the
3 manufacturer or vendor of the equipment every three years to review
4 and ensure that images produced from automated traffic safety cameras
5 are sufficient for evidentiary purposes as described in subsection
6 (9) of this section.

7 (13)(a) Except as provided in (d) of this subsection, a county or
8 a city may only use revenue generated by an automated traffic safety
9 camera program as authorized under this section for:

10 (i) Traffic safety activities related to construction and
11 preservation projects and maintenance and operations purposes
12 including, but not limited to, projects designed to implement the
13 complete streets approach as defined in RCW 47.04.010, changes in
14 physical infrastructure to reduce speeds through road design, and
15 changes to improve safety for active transportation users, including
16 improvements to access and safety for road users with mobility,
17 sight, or other disabilities; and

18 (ii) The cost to administer, install, operate, and maintain the
19 automated traffic safety cameras, including the cost of processing
20 infractions.

21 (b) Except as provided in (d) of this subsection:

22 (i) The automated traffic safety camera program revenue used by a
23 county or city with a population of 10,000 or more for purposes
24 described in (a)(i) of this subsection must include the use of
25 revenue in census tracts of the city or county that have household
26 incomes in the lowest quartile determined by the most currently
27 available census data and areas that experience rates of injury
28 crashes that are above average for the city or county. Funding
29 contributed from traffic safety program revenue must be, at a
30 minimum, proportionate to the share of the population of the county
31 or city who are residents of these low-income communities and
32 communities experiencing high injury crash rates. This share must be
33 directed to investments that provide direct and meaningful traffic
34 safety benefits to these communities. Revenue used to administer,
35 install, operate, and maintain automated traffic safety cameras,
36 including the cost of processing infractions, are excluded from
37 determination of the proportionate share of revenues under this
38 subsection (13)(b); and

39 (ii) The automated traffic safety camera program revenue used by
40 a city or county with a population under 10,000 for traffic safety

1 activities under (a)(i) of this subsection must be informed by the
2 department of health's environmental health disparities map.

3 (c) Except as provided in (d) of this subsection, beginning four
4 years after an automated traffic safety camera authorized under this
5 section is initially placed and in use after the effective date of
6 this section, 25 percent of the noninterest money received for
7 infractions issued by such cameras in excess of the cost to
8 administer, install, operate, and maintain the cameras, including the
9 cost of processing infractions, must be deposited into the Cooper
10 Jones active transportation safety account created in RCW 46.68.480.

11 (d)(i)(A) Jurisdictions with an automated traffic safety camera
12 program in effect before January 1, 2024, may continue to allocate
13 revenue generated from automated traffic safety cameras authorized
14 under sections 3 and 5(2)(c) of this act as determined by the
15 jurisdiction, as well as for the purposes established in (a) through
16 (c) of this subsection, by:

17 (I) Up to a 10 percent increase in the number of traffic safety
18 camera locations authorized to detect violations for automated
19 traffic safety cameras authorized under section 3 of this act; and

20 (II) Up to a 10 percent increase in the number of traffic safety
21 camera locations authorized to detect violations for automated
22 traffic safety cameras authorized under section 5(2)(c) of this act.

23 (B)(I) Any automated traffic safety camera program in effect
24 before January 1, 2024, with fewer than 10 traffic safety camera
25 locations for automated traffic safety cameras authorized under
26 section 3 of this act, which adds automated traffic safety cameras to
27 one additional location for the use of cameras authorized under
28 section 3 of this act, may continue to allocate revenue generated
29 from automated traffic safety cameras authorized under section 3 of
30 this act as determined by the jurisdiction, as well as for the
31 purposes established in (a) through (c) of this subsection.

32 (II) Any automated traffic safety camera program in effect before
33 January 1, 2024, with fewer than 10 traffic safety camera locations
34 for automated traffic safety cameras authorized under section 5(2)(c)
35 of this act as of January 1, 2024, which adds automated traffic
36 safety cameras to one additional location for the use of cameras
37 authorized under section 5(2)(c) of this act, may continue to
38 allocate revenue generated from automated traffic safety cameras
39 authorized under section 5(2)(c) of this act as determined by the

1 jurisdiction, as well as for the purposes established in (a) through
2 (c) of this subsection.

3 (C) For the purposes of this subsection (13)(d)(i), a location
4 is:

5 (I) An intersection for automated traffic safety cameras
6 authorized under section 3 of this act where cameras authorized under
7 section 3 of this act are in use; and

8 (II) A school speed zone for automated traffic safety cameras
9 authorized under section 5(2)(c) of this act where cameras authorized
10 under section 5(2)(c) of this act are in use.

11 (ii) The revenue distribution requirements under (a) through (c)
12 of this subsection do not apply to automated traffic safety camera
13 programs in effect before January 1, 2024, for which an ordinance in
14 effect as of January 1, 2024, directs the manner in which revenue
15 generated from automated traffic safety cameras authorized under
16 section 3 or 5(2)(c) of this act must be used.

17 (14) A county or city may adopt the use of an online ability-to-
18 pay calculator to process and grant requests for reduced fines or
19 reduced civil penalties for automated traffic safety camera
20 violations.

21 (15) Except as provided in this subsection, registered owners of
22 vehicles who receive notices of infraction for automated traffic
23 safety camera-enforced infractions and are recipients of public
24 assistance under Title 74 RCW or participants in the Washington
25 women, infants, and children program, and who request reduced
26 penalties for infractions detected through the use of automated
27 traffic safety camera violations, must be granted reduced penalty
28 amounts of 25 percent of what would otherwise be assessed.
29 Eligibility for medicaid under RCW 74.09.510 is not a qualifying
30 criterion under this subsection. Registered owners of vehicles who
31 receive notices of infraction must be provided with information on
32 their eligibility and the opportunity to apply for a reduction in
33 penalty amounts through the mail or internet.

34 (16) Infractions detected through the use of automated traffic
35 safety cameras are not part of the registered owner's driving record
36 under RCW 46.52.101 and 46.52.120. Additionally, infractions
37 generated by the use of automated traffic safety cameras under this
38 section must be processed in the same manner as parking infractions,
39 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
40 and 46.20.270(2). The amount of the fine issued for an infraction

1 generated through the use of an automated traffic safety camera may
2 not exceed \$145, as adjusted for inflation by the office of financial
3 management every five years, beginning January 1, 2029, based upon
4 changes in the consumer price index during that time period, but may
5 be doubled for a school speed zone infraction generated through the
6 use of an automated traffic safety camera.

7 (17) If the registered owner of the vehicle is a rental car
8 business, the issuing agency must, before a notice of infraction
9 being issued under this section, provide a written notice to the
10 rental car business that a notice of infraction may be issued to the
11 rental car business if the rental car business does not, within 18
12 days of receiving the written notice, provide to the issuing agency
13 by return mail:

14 (a) A statement under oath stating the name and known mailing
15 address of the individual driving or renting the vehicle when the
16 infraction occurred; or

17 (b) A statement under oath that the business is unable to
18 determine who was driving or renting the vehicle at the time the
19 infraction occurred because the vehicle was stolen at the time of the
20 infraction. A statement provided under this subsection must be
21 accompanied by a copy of a filed police report regarding the vehicle
22 theft; or

23 (c) In lieu of identifying the vehicle operator, the rental car
24 business may pay the applicable penalty. Timely mailing of this
25 statement to the issuing agency relieves a rental car business of any
26 liability under this chapter for the notice of infraction.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63
28 RCW to read as follows:

29 (1) Automated traffic safety cameras may be used to detect
30 stoplight violations, subject to section 2 of this act.

31 (2) Automated traffic safety cameras used to detect stoplight
32 violations are restricted to intersections of two or more arterials
33 with traffic control signals that have yellow change interval
34 durations in accordance with RCW 47.36.022, which interval durations
35 may not be reduced after placement of the camera.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63
37 RCW to read as follows:

1 (1) Automated traffic safety cameras may be used to detect
2 railroad grade crossing violations, subject to section 2 of this act.

3 (2) Automated traffic safety cameras at railroad grade crossings
4 may be used only to detect instances when a vehicle fails to stop
5 when facing an activated railroad grade crossing control signal.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.63
7 RCW to read as follows:

8 (1) Automated traffic safety cameras may be used to detect speed
9 violations, subject to section 2 of this act.

10 (2) Automated traffic safety cameras may be used to detect speed
11 violations within the following locations:

12 (a) Hospital speed zones;

13 (b) Public park speed zones;

14 (c) School speed zones;

15 (d) School walk zones;

16 (e) Roadway work zones, except that a notice of infraction may
17 only be issued if an automated traffic safety camera captures a speed
18 violation when workers are present; and

19 (f) State highways within city limits that are classified as city
20 streets under chapter 47.24 RCW.

21 (3) In addition to the automated traffic safety cameras that may
22 be authorized for specified zones or roads in subsection (2) of this
23 section, the local legislative authority may authorize the use of one
24 additional automated traffic safety camera per 10,000 population to
25 detect speed violations in locations deemed by the local legislative
26 authority to experience higher crash risks due to excessive vehicle
27 speeds. For automated traffic safety cameras authorized to detect
28 speed violations as part of a pilot program prior to the effective
29 date of this section, the location must be deemed by a local
30 legislative authority to have experienced higher crash risks due to
31 excessive vehicle speeds prior to installation of the automated
32 traffic safety camera.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.63
34 RCW to read as follows:

35 (1)(a) Subject to section 2 of this act and as limited in this
36 subsection, automated traffic safety cameras may be used in cities
37 with populations of more than 500,000 residents to detect one or more
38 of the following violations:

- 1 (i) Stopping when traffic obstructed violations;
- 2 (ii) Stopping at intersection or crosswalk violations;
- 3 (iii) Public transportation only lane violations; or
- 4 (iv) Stopping or traveling in restricted lane violations.

5 (b) Use of automated traffic safety cameras as authorized in this
6 subsection (1) is restricted to the following locations only:
7 Intersections as described in section 3(2) of this act; railroad
8 grade crossings; school speed zones; school walk zones; public park
9 speed zones; hospital speed zones; and midblock on arterials. The use
10 of such automated traffic safety cameras is further limited to the
11 following:

12 (i) The portion of state and local roadways in downtown areas of
13 the city used for office and commercial activities, as well as retail
14 shopping and support services, and that may include mixed residential
15 uses;

16 (ii) The portion of state and local roadways in areas in the city
17 within one-half mile north of the boundary of the area described in
18 (b)(i) of this subsection;

19 (iii) Portions of roadway systems in the city that travel into
20 and out of (b)(ii) of this subsection that are designated by the
21 Washington state department of transportation as noninterstate
22 freeways for up to four miles; and

23 (iv) Portions of roadway systems in the city connected to the
24 portions of the noninterstate freeways identified in (b)(iii) of this
25 subsection that are designated by the Washington state department of
26 transportation as arterial roadways for up to one mile from the
27 intersection of the arterial roadway and the noninterstate freeway.

28 (2) Subject to section 2 of this act, automated traffic safety
29 cameras may also be used in cities with a bus rapid transit corridor
30 or routes to detect public transportation only lane violations.

31 (3) Subject to section 2 of this act, automated traffic safety
32 cameras that are part of a public transportation vehicle-mounted
33 system may be used by a transit authority within a county with a
34 population of more than 1,500,000 residents to detect stopping,
35 standing, or parking in bus stop zone violations if authorized by the
36 local legislative authority with jurisdiction over the transit
37 authority.

38 (4) Subject to section 2 of this act, and in consultation with
39 the department of transportation, automated traffic safety cameras
40 may be used to detect ferry queue violations under RCW 46.61.735.

1 (5) A transit authority may not take disciplinary action
2 regarding a warning or infraction issued pursuant to subsections (1)
3 through (3) of this section against an employee who was operating a
4 public transportation vehicle at the time the violation that was the
5 basis of the warning or infraction was detected.

6 **Sec. 7.** RCW 46.16A.120 and 2012 c 83 s 5 are each amended to
7 read as follows:

8 (1) Each court and government agency located in this state having
9 jurisdiction over standing, stopping, and parking violations, the use
10 of a photo toll system under RCW 46.63.160, the use of automated
11 traffic safety cameras under (~~RCW 46.63.170~~) sections 2 through 6
12 of this act, and the use of automated school bus safety cameras under
13 RCW 46.63.180 may forward to the department any outstanding:

14 (a) Standing, stopping, and parking violations;

15 (b) Civil penalties for toll nonpayment detected through the use
16 of photo toll systems issued under RCW 46.63.160;

17 (c) Automated traffic safety camera infractions issued under RCW
18 46.63.030(1)(d); and

19 (d) Automated school bus safety camera infractions issued under
20 RCW 46.63.030(1)(e).

21 (2) Violations, civil penalties, and infractions described in
22 subsection (1) of this section must be reported to the department in
23 the manner described in RCW 46.20.270(3).

24 (3) The department shall:

25 (a) Record the violations, civil penalties, and infractions on
26 the matching vehicle records; and

27 (b) Send notice approximately (~~one hundred twenty~~) 120 days in
28 advance of the current vehicle registration expiration date to the
29 registered owner listing the dates and jurisdictions in which the
30 violations, civil penalties, and infractions occurred, the amounts of
31 unpaid fines and penalties, and the surcharge to be collected. Only
32 those violations, civil penalties, and infractions received by the
33 department (~~one hundred twenty~~) 120 days or more before the current
34 vehicle registration expiration date will be included in the notice.
35 Violations, civil penalties, and infractions received by the
36 department later than (~~one hundred twenty~~) 120 days before the
37 current vehicle registration expiration date that are not satisfied
38 will be delayed until the next vehicle registration expiration date.

1 (4) The department, county auditor or other agent, or subagent
2 appointed by the director shall not renew a vehicle registration if
3 there are any outstanding standing, stopping, and parking violations,
4 and other civil penalties issued under RCW 46.63.160 for the vehicle
5 unless:

6 (a) The outstanding standing, stopping, or parking violations and
7 civil penalties were received by the department within (~~one hundred~~
8 ~~twenty~~) 120 days before the current vehicle registration expiration;

9 (b) There is a change in registered ownership; or

10 (c) The registered owner presents proof of payment of each
11 violation, civil penalty, and infraction provided in this section and
12 the registered owner pays the surcharge required under RCW 46.17.030.

13 (5) The department shall:

14 (a) Forward a change in registered ownership information to the
15 court or government agency who reported the outstanding violations,
16 civil penalties, or infractions; and

17 (b) Remove the outstanding violations, civil penalties, and
18 infractions from the vehicle record.

19 **Sec. 8.** RCW 46.63.030 and 2023 c 17 s 1 are each amended to read
20 as follows:

21 (1) A law enforcement officer has the authority to issue a notice
22 of traffic infraction:

23 (a) When the infraction is committed in the officer's presence,
24 except as provided in RCW 46.09.485;

25 (b) When the officer is acting upon the request of a law
26 enforcement officer in whose presence the traffic infraction was
27 committed;

28 (c) If an officer investigating at the scene of a motor vehicle
29 accident has reasonable cause to believe that the driver of a motor
30 vehicle involved in the accident has committed a traffic infraction;

31 (d) When the infraction is detected through the use of an
32 automated traffic safety camera under (~~RCW 46.63.170~~) sections 2
33 through 6 of this act. A trained and authorized civilian employee of
34 a general authority Washington law enforcement agency, as defined in
35 RCW 10.93.020, or an employee of a local public works or
36 transportation department performing under the supervision of a
37 qualified traffic engineer and as designated by a city or county, has
38 the authority to review infractions detected through the use of an
39 automated traffic safety camera under sections 2 through 6 of this

1 act and to issue notices of infraction consistent with section 2(9)
2 of this act. These employees must be sufficiently trained and
3 certified in reviewing infractions and issuing notices of infraction
4 by qualified peace officers or by traffic engineers employed in the
5 jurisdiction's public works or transportation department. Nothing in
6 this subsection impairs decision and effects collective bargaining
7 rights under chapter 41.56 RCW;

8 (e) When the infraction is detected through the use of an
9 automated school bus safety camera under RCW 46.63.180. A trained and
10 authorized civilian employee of a general authority Washington law
11 enforcement agency, as defined in RCW 10.93.020, or an employee of a
12 local public works or transportation department performing under the
13 supervision of a qualified traffic engineer and as designated by a
14 city or county, has the authority to review infractions detected
15 through the use of an automated school bus safety camera under RCW
16 46.63.180 and to issue notices of infraction consistent with RCW
17 46.63.180(1)(b). These employees must be sufficiently trained and
18 certified in reviewing infractions and issuing notices of infraction
19 by qualified peace officers or by traffic engineers employed in the
20 jurisdiction's public works or transportation department. Nothing in
21 this subsection impairs decision and effects collective bargaining
22 rights under chapter 41.56 RCW; or

23 (f) When the infraction is detected through the use of a speed
24 safety camera system under RCW 46.63.200.

25 (2) A court may issue a notice of traffic infraction upon receipt
26 of a written statement of the officer that there is reasonable cause
27 to believe that an infraction was committed.

28 (3) If any motor vehicle without a driver is found parked,
29 standing, or stopped in violation of this title or an equivalent
30 administrative regulation or local law, ordinance, regulation, or
31 resolution, the officer finding the vehicle shall take its
32 registration number and may take any other information displayed on
33 the vehicle which may identify its user, and shall conspicuously
34 affix to the vehicle a notice of traffic infraction.

35 (4) In the case of failure to redeem an abandoned vehicle under
36 RCW 46.55.120, upon receiving a complaint by a registered tow truck
37 operator that has incurred costs in removing, storing, and disposing
38 of an abandoned vehicle, an officer of the law enforcement agency
39 responsible for directing the removal of the vehicle shall send a
40 notice of infraction by certified mail to the last known address of

1 the person responsible under RCW 46.55.105. The notice must be
2 entitled "Littering—Abandoned Vehicle" and give notice of the
3 monetary penalty. The officer shall append to the notice of
4 infraction, on a form prescribed by the department of licensing, a
5 notice indicating the amount of costs incurred as a result of
6 removing, storing, and disposing of the abandoned vehicle, less any
7 amount realized at auction, and a statement that monetary penalties
8 for the infraction will not be considered as having been paid until
9 the monetary penalty payable under this chapter has been paid and the
10 court is satisfied that the person has made restitution in the amount
11 of the deficiency remaining after disposal of the vehicle.

12 **Sec. 9.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to
13 read as follows:

14 (1) School districts may install and operate automated school bus
15 safety cameras on school buses to be used for the detection of
16 violations of RCW 46.61.370(1) if the use of the cameras is approved
17 by a vote of the school district board of directors. School districts
18 are not required to take school buses out of service if the buses are
19 not equipped with automated school bus safety cameras or functional
20 automated safety cameras. Further, school districts shall be held
21 harmless from and not liable for any criminal or civil liability
22 arising under the provisions of this section.

23 (a) Automated school bus safety cameras may only take pictures of
24 the vehicle and vehicle license plate and only while an infraction is
25 occurring. The picture must not reveal the face of the driver or of
26 passengers in the vehicle.

27 (b) A notice of infraction must be mailed to the registered owner
28 of the vehicle within (~~(fourteen)~~) 14 days of the violation, or to
29 the renter of a vehicle within (~~(fourteen)~~) 14 days of establishing
30 the renter's name and address under subsection (2)(a)(i) of this
31 section. The (~~law enforcement officer issuing the~~) notice of
32 infraction (~~shall~~) must also include a certificate or facsimile of
33 the notice, based upon inspection of photographs, microphotographs,
34 or electronic images produced by an automated school bus safety
35 camera, stating the facts supporting the notice of infraction. This
36 certificate or facsimile is prima facie evidence of the facts
37 contained in it and is admissible in a proceeding charging a
38 violation under this chapter. The photographs, microphotographs, or
39 electronic images evidencing the violation must be available for

1 inspection and admission into evidence in a proceeding to adjudicate
2 the liability for the infraction. A person receiving a notice of
3 infraction based on evidence detected by an automated school bus
4 safety camera may respond to the notice by mail.

5 (c) The registered owner of a vehicle is responsible for an
6 infraction under RCW 46.63.030(1)(e) unless the registered owner
7 overcomes the presumption in RCW 46.63.075, or, in the case of a
8 rental car business, satisfies the conditions under subsection (2) of
9 this section. If appropriate under the circumstances, a renter
10 identified under subsection (2)(a)(i) of this section is responsible
11 for an infraction.

12 (d) Notwithstanding any other provision of law, all photographs,
13 microphotographs, or electronic images prepared under this section
14 are for the exclusive use of (~~law enforcement~~) authorized city or
15 county employees, as specified in RCW 46.63.030(1)(e), in the
16 discharge of duties under this section and are not open to the public
17 and may not be used in a court in a pending action or proceeding
18 unless the action or proceeding relates to a violation under this
19 section. No photograph, microphotograph, or electronic image may be
20 used for any purpose other than enforcement of violations under this
21 section nor retained longer than necessary to enforce this section.

22 (e) If a school district installs and operates an automated
23 school bus safety camera under this section, the compensation paid to
24 the manufacturer or vendor of the equipment used must be based only
25 upon the value of the equipment and services provided or rendered in
26 support of the system, and may not be based upon a portion of the
27 fine or civil penalty imposed or the revenue generated by the
28 equipment. Further, any repair, replacement, or administrative work
29 costs related to installing or repairing automated school bus safety
30 cameras must be solely paid for by the manufacturer or vendor of the
31 cameras. Before entering into a contract with the manufacturer or
32 vendor of the equipment used under this subsection (1)(e), the school
33 district must follow the competitive bid process as outlined in RCW
34 28A.335.190(1).

35 (f) Any revenue collected from infractions detected through the
36 use of automated school bus safety cameras, less the administration
37 and operating costs of the cameras, must be remitted to school
38 districts for school zone safety projects as determined by the school
39 district using the automated school bus safety cameras. The
40 administration and operating costs of the cameras includes infraction

1 enforcement and processing costs that are incurred by local law
2 enforcement or local courts. During the 2013-2015 fiscal biennium,
3 the infraction revenue may also be used for school bus safety
4 projects by those school districts eligible to apply for funding from
5 the school zone safety account appropriation in section 201, chapter
6 306, Laws of 2013.

7 (2) (a) If the registered owner of the vehicle is a rental car
8 business, the (~~law enforcement~~) issuing agency shall, before a
9 notice of infraction is issued under this section, provide a written
10 notice to the rental car business that a notice of infraction may be
11 issued to the rental car business if the rental car business does
12 not, within (~~eighteen~~) 18 days of receiving the written notice,
13 provide to the issuing agency by return mail:

14 (i) A statement under oath stating the name and known mailing
15 address of the individual driving or renting the vehicle when the
16 infraction occurred;

17 (ii) A statement under oath that the business is unable to
18 determine who was driving or renting the vehicle at the time the
19 infraction occurred because the vehicle was stolen at the time of the
20 infraction. A statement provided under this subsection (2) (a) (ii)
21 must be accompanied by a copy of a filed police report regarding the
22 vehicle theft; or

23 (iii) In lieu of identifying the vehicle operator, the rental car
24 business may pay the applicable penalty.

25 (b) Timely mailing of a statement under this subsection to the
26 issuing (~~law enforcement~~) agency relieves a rental car business of
27 any liability under this chapter for the notice of infraction.

28 (3) For purposes of this section, "automated school bus safety
29 camera" means a device that is affixed to a school bus that is
30 synchronized to automatically record one or more sequenced
31 photographs, microphotographs, or electronic images of the rear of a
32 vehicle at the time the vehicle is detected for an infraction
33 identified in RCW 46.61.370(1).

34 **Sec. 10.** RCW 46.63.075 and 2023 c 17 s 2 are each amended to
35 read as follows:

36 (1) In a traffic infraction case involving an infraction detected
37 through the use of an automated traffic safety camera under (~~RCW~~
38 ~~46.63.170~~) sections 2 through 6 of this act, detected through the
39 use of a speed safety camera system under RCW 46.63.200, or detected

1 through the use of an automated school bus safety camera under RCW
2 46.63.180, proof that the particular vehicle described in the notice
3 of traffic infraction was in violation of any such provision of
4 sections 2 through 6 of this act or RCW ((46.63.170,)) 46.63.200((7))
5 and 46.63.180, together with proof that the person named in the
6 notice of traffic infraction was at the time of the violation the
7 registered owner of the vehicle, constitutes in evidence a prima
8 facie presumption that the registered owner of the vehicle was the
9 person in control of the vehicle at the point where, and for the time
10 during which, the violation occurred.

11 (2) This presumption may be overcome only if the registered owner
12 states, under oath, in a written statement to the court or in
13 testimony before the court that the vehicle involved was, at the
14 time, stolen or in the care, custody, or control of some person other
15 than the registered owner.

16 **Sec. 11.** RCW 46.68.480 and 2023 c 431 s 8 are each amended to
17 read as follows:

18 The Cooper Jones active transportation safety account is created
19 in the state treasury. All receipts from penalties collected under
20 ((RCW 46.63.170)) section 2(13)(c) of this act and funds designated
21 by the legislature shall be deposited into the account. Expenditures
22 from the account may be used only to fund grant projects or programs
23 for bicycle, pedestrian, and nonmotorist safety improvement
24 administered by the Washington traffic safety commission. By December
25 1, 2024, and every two years thereafter, the commission shall report
26 to the transportation committees of the legislature regarding the
27 activities funded from the account. The account is subject to
28 allotment procedures under chapter 43.88 RCW. Moneys in the account
29 may be spent only after appropriation.

30 NEW SECTION. **Sec. 12.** RCW 46.63.170 (Automated traffic safety
31 cameras—Definition) and 2022 c 182 s 424, 2022 c 182 s 423, 2020 c
32 224 s 1, 2015 3rd sp.s. c 44 s 406, 2015 1st sp.s. c 10 s 702, & 2013
33 c 306 s 711 are each repealed."

ESHB 2384 - S AMD 803

By Senator Lillas

ADOPTED AS AMENDED 02/29/2024

1 On page 1, line 1 of the title, after "cameras;" strike the
2 remainder of the title and insert "amending RCW 46.16A.120,
3 46.63.030, 46.63.180, 46.63.075, and 46.68.480; adding new sections
4 to chapter 46.63 RCW; and repealing RCW 46.63.170."

EFFECT: • Includes travel by vulnerable road users as an additional criterion when jurisdictions are conducting the additional analysis to determine locations for traffic safety cameras.

• Requires local governments to post camera restrictions and policies to their respective websites.

• Delays reporting of use of revenues in excess of admin costs and WTSC reporting requirements until January 1, 2026, and July 1, 2026, respectively, instead of December 1, 2025.

• Clarifies that traffic safety camera revenue may only be used for traffic safety activities, as specified.

• Requires cities and counties under 10,000 in population to use DOH's health disparities map when making traffic safety activity investments using traffic safety camera revenue.

• Authorizes jurisdictions with certain camera programs in place before January 1, 2024, to detect stoplight and school speed zone violations to continue to use infraction revenue as directed in the authorizing ordinance.

• Authorizes jurisdictions with certain camera programs in place before January 1, 2024, to detect stoplight and school speed zone violations to continue to use infraction revenue as determined by the jurisdiction by up to a 10 percent increase in the number of traffic camera locations authorized for such uses.

• Requires that after a new traffic safety camera is placed and in use for four years, 25 percent of camera revenues, after camera administration and infraction processing costs, must be deposited into the Cooper Jones active transportation safety account, with exceptions.

• Removes the two-thirds of penalty amounts cap on most traffic safety camera violations.

• Clarifies that eligibility for Medicaid is not a qualifying criterion to be granted a reduced penalty of 25 percent of the assessed amount.

• Establishes a maximum penalty of \$145 for all traffic safety camera violations, adjusted for inflation by OFM every five years, and authorizes jurisdictions to double this penalty amount for school speed zone infractions.

• Removes the application of the additional \$5 fee to the traumatic brain injury account for all traffic safety camera violations.

• Removes the speed camera violation exemption for law enforcement and fire department vehicles and ambulances.

• Expands the use of traffic safety cameras for public transit only lane violations to cities with bus rapid transit (BRT).

- Modifies authority to use cameras to detect traffic obstruction violations, stopping in intersection/crosswalk violations, and stopping/traveling in transit only or restricted lanes to only cities over 500,000 in population (city of Seattle).
- Authorizes use of traffic safety cameras that are part of a public transportation vehicle-mounted system to detect bus stop zone violations by transit authorities in counties of more than 1.5 million (King County).
- Authorizes use of traffic safety cameras, after consultation with WSDOT, to detect ferry queue violations (i.e. lane cutting and driveway obstruction).
- Extends authority of trained and authorized civilian employees to review and issue infractions to automated school bus safety camera violations.
- Requires a performance audit of the traffic safety camera equipment manufacturer or vendor every three years to ensure camera image quality if the current contract between the jurisdiction and manufacturer or vendor is silent on maintaining image quality control measures.
- Restores the geographical limitations for traffic safety camera use to detect stopping when traffic obstructed or at intersection/crosswalk violations, public transit only lane violations, and stopping/traveling in a restricted lane violations as they existed for the Seattle pilot program.
- Makes other technical corrections.

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